

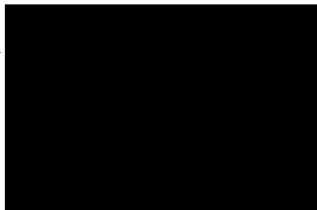


U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



PUBLIC COPY

File:



Office: Nebraska Service Center

Date: JAN 30 2001

IN RE:

Applicant:



Application: Application for Refugee Travel Document Pursuant to 8 C.F.R. 223.2(b)(2)

IN BEHALF OF PETITIONER: Self-represented

identification data deleted to
prevent clearly unwarranted
disclosure of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Mary V. Mulrean, Acting Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Nebraska Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The applicant seeks to obtain a refugee travel document under 8 C.F.R. 223.2(b)(2). The director denied the application for a refugee travel document after determining that the applicant does not have either valid refugee status under section 207 of the Act, or asylee status under section 208 of the Act, or permanent resident status received as a direct result of his asylum or refugee status.

On appeal, the applicant states that he travelled to Kosovo for the reburial of his mother's ashes and to pay a visit to his relatives. He claims that he was informed that the exhumation had to take place on August 2, 1999. He states that he remained in Kosova until May 23, 2000. He submits a one-way air travel ticket from Chicago to Skopje in his name. The applicant states on his application that the purpose of his trip is to work and live there.

8 C.F.R. 223.2(b) states, in pertinent part:

Eligibility. (2) Refugee travel document. (i) General. Except as otherwise provided in this section, an application may be approved if filed by a person who is in the United States at the time of application, and either holds valid refugee status under section 207 of the Act, valid asylee status under section 208 of the Act, or is a permanent resident and received such status as a direct result of his or her asylee or refugee status.

The Application for Travel Document (Form I-131) was filed on May 23, 2000. His airline ticket shows his intended departure date as May 17, 2000. Therefore, the applicant has not established that he was in the United States, as required, at the time the application was filed with the Service.

The burden of proof in these proceedings rests solely with the applicant. Section 291 of the Act, 8 U.S.C. 1361. The applicant has not met that burden.

ORDER: The appeal is dismissed.